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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KALMAN ISAACS, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

ELON MUSK and TESLA, INC.,

Defendants.

Case No. 3:18-cv-04865-EMC

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED PURSUANT TO CIVIL  
LOCAL RULES 3-12 AND 7-11**

Potentially Related Case:

*Maia v. Tesla, Inc.*, No. 3:18-cv-04939-LHK

1 Plaintiff Carlos Maia (“Plaintiff”) hereby submits this administrative motion, pursuant to  
2 Civil Local Rules 3-12(b) and 7-11(a), to consider whether the action styled *Maia v. Tesla, Inc.*,  
3 Case No. 3:18-cv-04939 (the “*Maia* Action”), filed on August 14, 2018 and pending before the  
4 Honorable Lucy H. Koh, should be related to the action entitled *Isaacs v. Musk*, Case No. 3:18-  
5 cv-04865 (the “*Isaacs* Action”), filed on August 10, 2018 and pending before this Court. Plaintiff  
6 submits that these actions are related within the meaning of Civil Local Rule 3-12(a).

7 Actions are related when (1) the actions substantially concern the same parties, property,  
8 transaction or event; and (2) it appears likely that there will be an unduly burdensome duplication  
9 of labor and expense or conflicting results if the cases are conducted before different judicial  
10 officers. Civ. L.R. 3-12(a).

11 The *Maia* Action involves the same defendants and substantially the same transactions  
12 and events as the *Isaacs* Action. See Civ. L.R. 3-12(a)(1). Specifically, plaintiffs in the actions  
13 allege that defendants Tesla, Inc. and Elon R. Musk violated the Securities Exchange Act of 1934  
14 when they made various false statements concerning taking Tesla, Inc. private, which they knew  
15 or recklessly disregarded were materially false and misleading in that they contained material  
16 misrepresentations and failed to disclose material facts necessary in order to make the statements  
17 made, in light of the circumstances under which they were made, not misleading. Plaintiffs  
18 further allege that Defendants’ wrongful conduct artificially manipulated the price of Tesla, Inc.’s  
19 publicly traded securities. The time period of the alleged wrongdoing is relatively similar, that is,  
20 August 7 through August 14, 2018, and both actions involve similar allegations of wrongdoing  
21 arising from the same conduct by the same parties. Accordingly, each action will require  
22 adjudication of substantially the same questions of law and fact.

23 Given these similarities, it “appears likely that there will be an unduly burdensome  
24 duplication of labor and expenses of conflicting results if the cases are conducted before different  
25 Judges.” Civ. L.R. 3-12(a)(2). Having these actions prosecuted separately would create an undue  
26 burden on the Court and parties, and cause duplication of labor and expense, as well as lead to  
27 potentially conflicting results. Relating these actions will conserve judicial resources and ensure  
28 consistent results.

1 For these reasons, Plaintiff respectfully requests that the *Maia* Action be related to the  
2 *Isaacs* Action.

3  
4 Respectfully submitted,

5 Dated: August 15, 2018

**KAPLAN FOX & KILSHEIMER LLP**

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